

INITIAL STATEMENT OF REASONS

SECTION 2241. "Enforcement."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendments to the regulation will change Office of Administrative Hearings (OAH) from certified court reporters to electronic recording. Include precedent decision provisions and a provision to make unsuccessful applicants responsible for OAH costs.

NECESSITY

The proposed amendments should provide uniformity and consistency in the application of law. Having unsuccessful applicants responsible for OAH costs would result in considerable savings for the California Department of Transportation (Department).

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Instituting these proposed amendments would streamline and make the administrative review process more efficient.

SECTION 2242. "Definitions."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation provides a technical change to the introduction, clarifies existing definitions and adds others.

- 2242 (intro): Technical change.
- 2242 (d): Clarification of definition of Changeable Message Center.
- 2242 (k): Add definition of electronic message display.
- 2242 (m): Clarify displays can have more than one facing.
- 2242 (y): Add definition of "static display."
- 2243 (z): Add definition of "tri-vision display."

NECESSITY

The proposed amendment to the regulation is necessary to clarify and add terminology used by the Department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The change in terminology does not create an economic impact on any businesses.

SECTION 2243. "On-Premise Display."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation is a technical change to the introduction and adds local government approval.

NECESSITY

The proposed amendment to the regulation is necessary because it allows for the compliance of ordinances at the local level.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The change in this regulation does not create an economic impact on any businesses.

SECTION 2244. "Displays within Redevelopment Project Areas."

SPECIFIC PURPOSE OF THE REGULATION

Major rewrite of Redevelopment Area permit standards.

NECESSITY

The proposed rewrite to the regulation is necessary to save considerable time in making these determinations and further ensures that there will be no confusion between the Redevelopment Agency and the Department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

By allowing for this clarification, the rewrite of the regulation will actually result in less cost to small businesses by reducing the time and effort spent in making these determinations.

SECTION 2245. "Extension of Time Limit for an On-Premise Display within a Redevelopment Project."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation is a technical change to the introduction and indicates that extensions limited to 10 year terms can be renewed.

NECESSITY

The proposed amendment to the regulation allows for the Redevelopment Agency to continue and provides consent in allowing the redevelopment display to remain in place and in compliance.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

By merely clarifying the penalty stated in the current regulation, this regulatory action has no economic impact on businesses.

SECTION 2270. "Customary Maintenance."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation will add conversion of a static display to a Changeable Message Center as requiring a new permit.

NECESSITY

The proposed amendment to the regulation is necessary to comply with customary maintenance of existing displays.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

This clarification in the amended regulation will result in greater stability and will not economically impact any businesses.

SECTION 2271. "Destroyed Nonconforming Display."

SPECIFIC PURPOSE OF THE REGULATION

Major rewrite of destroyed display criteria to match federal standards.

NECESSITY

The proposed amendment to the regulation is necessary to ensure it is consistent with federal standards.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

This standardization set forth in the amended regulation will result in greater stability and will not and will not have significant adverse economic impacts on any businesses.

SECTION 2272. "Abandoned Nonconforming Display."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation conforms "abandoned display" language to new destroyed display criteria.

NECESSITY

The proposed amendment to the regulation is necessary to make the standards for all displays consistent and more readily enforceable.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

This standardization set forth in the amended regulation will result in greater stability and will not have significant adverse economic impacts on any businesses.

SECTION 2401. "Measurement of Distances from a Commercial or Industrial Activity."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation adds other examples of nonqualifying activities.
(Note: section incorporated into redevelopment display standards.)

NECESSITY

The proposed amendment to the regulation is necessary to make such determinations easier and more consistent.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

This clarification in the amended regulation will result in greater stability and efficiency and will not have significant adverse economic impacts on any businesses.

SECTION 2422. "Permit Application Process."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation provides a technical change, requires a separate application for each side of a display, several changes to State procedures when applications are incomplete, sets a precedent if another application is received, clarifies the difference between "new alignment" and "widening" and establishes a new permit fee, per California State Outdoor Advertising Association (CSOAA) case settlement.

NECESSITY

The proposed amendment to the regulation would allow the Department to properly keep inventory of permitted displays and comply with CSOAA case settlement.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Ensuring compliance with state statutory law will not have significant adverse economic impacts on any businesses.

SECTION 2424. "Permit Renewal Process."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation includes a technical change, the requirement of a permit for each side of a display (V-shaped or back to back), clarifies the responsibility of the permit holder to renew even if renewal notice is not received, clarifies time limit is 30 days before permit is cancelled for nonpayment and no fee increase for previously permitted back-to-back displays.

NECESSITY

The proposed amendment to the regulation is necessary to conform to the language in the new permit application process and clarifies permit holder responsibilities to ensure proper inventory of displays are maintained by the department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Ensuring compliance with State statutory law will not result in a significant adverse economic impact on any businesses. The requirement of a permit for each side of a display and necessary renewal fees associated with this change supports the Departments intent to properly keep inventory of permitted displays.

SECTION 2444. "Causes for Revocation of an Outdoor Advertising License."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation will add a guideline for the revocation of a license.

NECESSITY

The proposed amendment to the regulation is necessary to apprise licensees of the causes for revocation of an outdoor advertising license.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The regulation merely includes an additional cause for revocation of a license. It will have no significant adverse economic impact on any business.

SECTION 2511. "Temporary Removal of Plant Material."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation depicts that there will be no request for review under six months after contract accepted.

NECESSITY

Included language will allow Department to ensure proper steps are followed before processing requests to remove plant material.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other alternatives were presented to or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Since the regulation merely reflects current practice, the regulation will have no significant adverse impact on any business. Moreover, identification of plant diseases will not result in any economic impact to businesses.

SECTION 2512. "Request for Reclassification."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation adds a \$300 fee for each request for landscape reclassification.

NECESSITY

The amendment helps cover the costs for the Department to process a formal review of the request.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

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REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The standardization set forth in the amended regulation will result in greater stability and will not economically impact any businesses adversely.

SECTION 2513. "Displays Viewed Primarily From Landscaped Freeways."

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to the regulation provides a technical change.

NECESSITY

The proposed amendment to the regulation is necessary for clarification by the Department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the amendment to this regulation.

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REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

The Department has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The change in terminology does not create an economic impact on any businesses.